

**B & F**  
**Agenda Item No. 2(F)**

**MEMORANDUM**

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

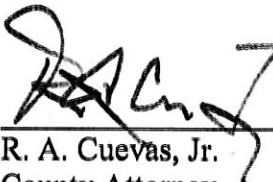
**DATE:** January 28, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution Urging U.S.  
Congress and Florida  
Legislature to Strengthen  
Hate Crime Laws

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The accompanying resolution was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/dcp

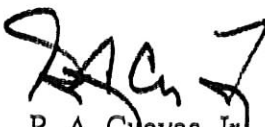


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: January 10, 2008

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
01-10-08

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE U.S. CONGRESS AND THE  
FLORIDA LEGISLATURE TO STRENGTHEN HATE CRIME  
LAWS TO PROVIDE THAT INTENTIONALLY EXPOSING A  
PERSON TO HANGING NOOSES OR OTHER OBJECTS OR  
SYMBOLS EVIDENCING PREJUDICE CREATES A  
PRESUMPTION OF A HATE CRIME, IN LIGHT OF RECENT  
EVENTS IN JENA, LOUISIANA

**WHEREAS**, in August, 2006, at Jena High School in Jena, Louisiana, a student asked at an assembly if black students were "allowed" to sit under a tree on campus that had been a frequent gathering place for white students; and

**WHEREAS**, school officials told the student that black students were allowed to sit there, but the next day nooses were found hanging from the tree; and

**WHEREAS**, incidents similar to the Jena incident recently have been reported at schools in College Park, Maryland and Columbia, South Carolina; and on Columbia University's campus in New York City; and

**WHEREAS**, these incidents suggest that there are still instances in which this nation is fighting old demons of hatred and prejudice, even among people too young to remember the civil rights era and Jim Crow laws; and

**WHEREAS**, in Wisconsin v. Mitchell, 508 U.S. 476 (1993), the U.S. Supreme Court unanimously upheld the constitutionality of hate crime laws, effectively removing any doubt that state legislatures have the authority to increase the penalties for criminal activity in which a person is intentionally targeted for a crime as based on the person's personal characteristics; and

**WHEREAS**, there is currently a federal hate crime law, but it is limited in scope and requires as an element of the crime that the victim of a bias-motivated crime be attacked because he or she was engaging in a particular federally-protected activity, such as serving on a jury or attending public school; and

**WHEREAS**, on May 3, 2007, the U.S. House of Representatives by a vote of 237-180 passed and sent to the Senate for consideration, H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA); and

**WHEREAS**, the LLEHCPA would strengthen federal hate crime laws by (i) eliminating the requirement that a victim of a bias-motivated crime was attacked because he or she was engaged in a particular federally-protected activity, (ii) authorizing the Department of Justice to investigate and prosecute in a broader range of hate crime cases, (iii) providing federal assistance and resources to state and local law enforcement to address hate crimes, and (iv) providing a new data collection requirement for crimes committed by and directed against juveniles; and

**WHEREAS**, on September 27, 2007, the U.S. Senate added the LLEHCPA as an amendment to its version of the Department of Defense Authorization legislation; and

**WHEREAS**, Representative Geraldine F. "Geri" Thompson has filed a bill in the Florida House of Representatives, HB 307, which provides that intentional exposure of victims to hanging nooses and other objects or symbols in the course of an offense creates a presumption that the offense evidences prejudice; and

**WHEREAS**, hate crime laws at both the state and federal levels should be strengthened to provide that the intentional exposure of a person to hanging nooses and other objects or symbols that evidence prejudice creates a presumption of a hate crime,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that, in light of the recent events in Jena, Louisiana, this Board:

**Section 1.** Urges the U.S. Congress to strengthen federal hate crime laws so as to provide that the intentional exposure of a person to hanging nooses or other objects or symbols evidencing prejudice creates a presumption of a hate crime.

**Section 2.** Urges the U.S. Congress to pass the Local Law Enforcement Hate Crimes Prevention Act of 2007, or similar legislation.

**Section 3.** Urges the Florida Legislature to pass HB 307, which provides that the intentional exposure of a person to hanging nooses and other objects or symbols in the course of a crime creates a presumption that the crime evidences prejudice, or similar legislation.

**Section 4.** Directs the Clerk of the Board to transmit copies of this resolution to the Florida Congressional Delegation, the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, and Representative Geraldine F. "Geri" Thompson.

**Section 5.** Directs the County's federal and state lobbying teams to advocate for the passage of the legislation set forth in Sections 1, 2 and 3 above; and directs the Office of Intergovernmental Affairs to include this item in the 2008 Federal and State Legislative Packages.

The foregoing resolution was sponsored by Vice-Chairwoman Barbara J. Jordan and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman  
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz  
Carlos A. Gimenez  
Joe A. Martinez  
Dorrin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Audrey M. Edmonson  
Sally A. Heyman  
Dennis C. Moss  
Natacha Seijas  
Rebeca Sosa

The Chairman thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of January, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty